1	JOSEPH P. RUSSONIELLO (CABN 44332) United States Attorney		
3	BRIAN J. STRETCH (CABN 163973) Chief, Criminal Division		
4 5 6 7 8	OWEN P. MARTIKAN (CSBN 177104) Assistant United States Attorneys 450 Golden Gate Avenue, Box 36055 San Francisco, California 94102 Telephone: (415) 436-7241 Facsimile: (415) 436-7234 owen.martikan@usdoj.gov Attorneys for Plaintiff		
10	UNITED STATES DISTRICT COURT		
11	NORTHERN DISTRICT OF CALIFORNIA		
12	SAN FRANCISCO DIVISION		
13 14	UNITED STATES OF AMERICA,) CR 09-0973 JSW		
15	Plaintiff, STIPULATION AND [PROPOSED]		
16) ORDER EXCLUDING TIME v.		
17	DONALD THOMAS TOSTI,		
18 19	Defendant.		
20			
21	On January 7, 2010, the parties in this case appeared before the Court for a hearing on the		
22	United States' motion for review of the magistrate judge's release order. The parties stipulated		
23	and the Court agreed that time should be excluded from the Speedy Trial Act calculations from		
24	January 7, 2010, through March 25, 2010, for continuity and effective preparation of defense		
25	counsel. The parties represented that granting the continuance would allow the reasonable time		
26	necessary for effective preparation of defense counsel, taking into account the exercise of due		
27	diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv). The parties agreed that the ends of justice served		
28	by granting such a continuance outweighed the best		
	STIP. & [PROPOSED] ORDER EXCLUDING TIME CASE NO. CR 09-0973 JSW		

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1	interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).		
2	The parties further agreed that the time period from January 28, 2010. through March 25,		
3	2010, is also excluded from Speedy Trial Act calculations by operation of law. 18 U.S.C. §		
4	3161(h)(1)(D).		
5	SO STIPULATED:		
6		JOSEPH P. RUSSONIELLO United States Attorney	
7		/s/	
9	DATED: January 14, 2010	OWEN P. MARTIKAN Assistant United States Attorney	
10		Tissistant Cinted States Tittorney	
11	DATED: January 14, 2010	/s/	
12	DATED. January 14, 2010	DANIEL BLANK Attorney for Donald Tosti	
13		Autoritey for Donald Tosti	
14	[PROPOSED] ORDER		
15	As the Court found on December 10, 2009, and for the reasons stated above, an exclusion		
16	of time from January 7, 2010, through March 25, 2010, is warranted because the ends of justice		
17	served by the continuance outweigh the best interests of the public and the defendant in a speedy		
18	trial. See 18 U.S.C. §3161 (h)(7)(A). The failure to grant the requested continuance would deny		
19	defense counsel the reasonable time necessary for effective preparation, taking into account the		
20	exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C.		
21	§3161(h)(7)(B)(iv). The time period from January 28, 2010, through March 25, 2010, is also		
22	excluded from Speedy Trial Act calculations by operation of law. 18 U.S.C. § 3161(h)(1)(D).		
23			
24	SO ORDERED.		
25			
26	DATED: January 15, 2010	Jeffrey Sterhits	
27		HOM JETTHEYS. WHITE United States Vistrict Judge	
28			

STIP. & [PROPOSED]-ORDER EXCLUDING TIME CASE NO. CR 09-0973 JSW